

REMARKS

This Amendment is fully responsive to the non-final Office Action dated September 1, 2009, issued in connection with the above-identified application. Claims 1-13 are pending in the present application. With this Amendment, claims 1, 2, 5-10, 12 and 13 have been amended, and claim 11 has been canceled without prejudice or disclaimer to the subject matter therein. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the present application, the Applicants have provided amendments to the specification, the abstract and the figures. The changes to the specification, the abstract and the figures include minor editorial and clarifying changes. Substitute portions of the specification, a replacement abstract and replacement sheets for figures 1-3 are included. No new matter has been introduced by the amendments made to the specification, the abstract and the figures.

I. Interview Summary

At the outset, the Applicants thank Examiner Johnson and her Supervisor for granting a telephone interview (hereafter "interview"), which was conducted with the Applicants' representative on November 18, 2009. During the interview, the present invention as recited in independent claim 1 (as the exemplary independent claim) and the cited prior art (i.e., the Ishibashi reference) were discussed in detail. Specifically, it was noted that within the semiconductor memory card according to the present invention (as recited in independent claim 1), (i) two or more of the first axis direction types obtained by the direction of obtainment unit are compared with two more of the second axis direction types included in the axis condition previously held in the condition management unit; and (ii) a predetermined application program is executed based on the results of the comparison.

In contrast, it was noted that the IC card 10 disclosed in Ishibashi neither performs a comparison using a plurality of direction information or executes a predetermined application program based on a result of the comparison.

At the conclusion of the interview, the Examiner suggested amending the independent claims to clarify that there are two or more direction types obtained by the direction obtainment unit, and to indicate that the direction types are related to a position or positions of the semiconductor memory card with respect to the reader/writer. The Examiner indicated that such

a clarification would help to further distinguish the present invention from the cited prior art. However, the Examiner also indicated that further search and/or consideration of any claim amendments would be necessary before making a final determination regarding the allowability of the claims.

II. Rejection under 35 U.S.C. § 102(b)

In the Office Action, claims 1-3 and 5-13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Ishibashi (Japanese Publication No. 2004/341702, hereafter “Ishibashi”).

The Applicants have amended independent claims 1, 9, 10, 12 and 13 to more clearly distinguish the present invention from the cited prior art. The amendments to independent claims 1, 9, 10, 12 and 13 are consistent with the suggestions made by the Examiner during the interview conducted on November 18, 2009. As noted above, claim 11 has been canceled thereby rendering the above rejection to that claim moot.

Claim 1 (as amended) recites the following features:

“[a] semiconductor memory card which performs contactless communication with a reader/writer, the semiconductor memory card comprising:

a direction obtainment unit operable to obtain two or more first access direction types which indicate positions of the semiconductor memory card with respect to the reader/writer;

a condition management unit operable to previously hold and manage an access condition including two or more second access directions types;

a condition judgment unit operable to compare the two or more first access direction types obtained by said direction obtainment unit with the two or more second access direction types included in the access condition held in said condition management unit, and to judge whether or not the first and second access direction types match each other; and

an execution unit operable to execute a predetermined application program when said condition judgment unit judges that the first and the second access direction types match each other.” (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 9, 10, 12 and 13 (as amended). Additionally, the features emphasized above in independent claim 1 (and similarly recited in independent claims 9, 10, 12 and 13) are fully supported by the Applicants’ disclosure (i.e., Figures 5A – 5E).

The present invention (as recited in independent claims 1, 9, 10, 12 and 13) is distinguishable from the cited prior art in that within a semiconductor memory card two or more first axis direction types are obtained by a direction obtainment unit which indicates positions of the semiconductor card with respect to a reader/writer. Additionally, the two or more first axis direction types obtained are compared with two or more second axis direction types included in an axis condition previously held in a condition management unit. Finally, a predetermined application program is executed based on the results of the comparison.

In the Office Action, the Examiner relies on Ishibashi for disclosing or suggesting all the features recited in independent claims 1, 9, 10, 12 and 13. However, the Applicants assert that Ishibashi fails to disclose or suggest the features now recited in independent claims 1, 9, 10, 12 and 13 (as amended).

Specifically, Ishibashi discloses a non-contact IC card that exchanges information via electric waves. As described in Ishibashi, an IC card 10 determines a direction in which the IC card 10 is held over a reader/writer 21 using a difference in timing of the start of receiving radio waves from a direction detection antenna 15 and 16; and generates direction information using the results of the determination (see e.g., ¶[0047]). The IC card 10 then transmits the direction information to a reader/writer 21, which is an external communication device. The direction information is transmitted from the IC card 10 without comparing it with information previously stored in the IC card (see e.g., ¶[0048]).

Additionally, Ishibashi discloses a control unit 22 (which is different from and external to the IC card 10) that determines whether or not the information transmitted by the IC card 10 matches information stored in a storage unit 23. When it is determined that there is a match, a lock mechanism 30 that is different from and external to the IC card 10 unlocks a door (see e.g., ¶[0051]).

Based on the above discussion, the IC card of Ishibashi clearly fails to disclose or suggest at least the following features:

- 1) an IC card that obtains direction information that indicates positions of the IC card with respect to a reader/writer; and
- 2) an IC card that performs a comparison of the direction information obtain with direction information stored in the IC card; and executes a predetermined application program based on the results of the comparison.

To the contrary, the IC card disclosed in Ishibashi performs no comparison operation and sends the information to an external communication device that performs a comparison operation. In the present invention (as recited in independent claims 1, 9, 10, 12 and 13), the IC card obtains the direction information, performs a comparison of the direction information and executes a predetermined application program. Additionally, the direction information disclosed in Ishibashi does not relate to positions of the IC card with respect to a reader/writer, as in the present invention (as recited in independent claims 1, 9, 10, 12 and 13).

Based on the above discussion, independent claims 1, 9, 10, 12 and 13 (as amended) are not anticipated or rendered obvious by Ishibashi. Additionally, claims 2, 3, 5 and 6-8 are not anticipated or rendered obvious by Ishibashi at least by virtue of their dependencies from independent claim 1.

III. Rejection under 35 U.S.C. § 103(a)

In the Office Action, claim 4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishibashi in view of Kawasaki et al. (U.S. Publication No. 2006/0157566, hereafter “Kawasaki”).

Claim 4 depends from independent claim 1. As noted above, Ishibashi fails to disclose or suggest all the features recited in independent claim 1. Additionally, Kawasaki fails to overcome the deficiencies noted above in Ishibashi. Therefore, no combination of Ishibashi and Kawasaki would result in, or otherwise render obvious, claim 4 at least by virtue of its dependency from independent claim 1.

IV. Conclusion

In light of the above, the Applicants submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

Additionally, the Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues in the present application.

Respectfully submitted,

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